

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

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ATTORNEY GENERAL



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December 21 2005

Section 5 Submission

Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20006

Re: Submission Under Section 5 of the Voting Rights Act for:

New Hampshire Revised Statute Annotated ("RSA") 655:21, a STATUTE related to the form for primary petitions, most recently amended by Laws of 2003 Chapter 289 and previously amended by the chapters cited below.

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973 (c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits RSA 655:21, a STATUTE related to the form for primary petitions, most recently amended by Laws of 2003 Chapter 289 and previously amended by the chapters cited below.

SUBMISSION:

In accordance with 28 C.F.R. § 51.27, the submission is as follows:

- a) Chapter 289 (2003) amending RSA 655:21 is attached as Exhibit 655:21 A).
 - 1. Chapter 356 (1998) amending RSA 655:21 is attached as (Exhibit 655:21 B).
 - 2. Chapter 218 (1991) amending RSA 655:21 is attached as (Exhibit 655:21 C).

- b) Chapter 436 (1979) recodifying RSA 56:15 as RSA 655:21 is attached as (Exhibit 655:21 D). Chapter 436 (1979) has previously been precleared and is submitted as the baseline for the analysis of this submission.
- c) The changes made by amendments to RSA 655:21 are as follows:
 - 1. Chapter 289 (2003) makes the following changes:
 - a. Inserts the word “*year*” in the form of the petition following the blank for that information.
 - b. Replacing the phrase “...*penalty of perjury...*” with the phrase “...*the penalties for voting fraud set forth below...*” in the oath portion of this form.
 - c. Inserting the sentences “*In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000*” at the end of the form.
 - 2. Chapter 356 (1998) makes the following changes:
 - a. Inserts the sentence “*I hereby swear, under penalty of perjury, that the information above is true and correct to the best of my knowledge and belief*” onto the form.
 - b. Removes all the language subsequent to the space provided for the “Voter’s Signature” on the form.
 - c. Insert the words “*or her*” and “*or she*” following the words “*he*” or “*his*” as grammatically correct.
 - 3. Chapter 218 (1991) makes the following changes:
 - a. Inserts the sentence “*I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA 655:10, and that he is not a federal employee which makes him ineligible to file as a candidate for this office*” as the second to last sentence of the main paragraph of the form.

- b. Inserts spaces and labels for printing the voter's name and the voter's signature following the main body of the form.
- d) This submission is made by: Senior Assistant Attorney General Orville B. Fitch II, 33 Capitol Street, Concord, New Hampshire 03301, Phone: (603) 271-1238.
- e) The submitting authority is New Hampshire Attorney General, Kelly A. Ayotte for the State of New Hampshire.
- f) Not applicable.
- g) The changes for which pre-clearance is sought were made by a decision of the New Hampshire General Court (Legislature).
- h) In accordance with Amendment X of the U.S. Constitution, the New Hampshire General Court, the State's Legislature, acting pursuant to the New Hampshire Constitution Part Second, Article 2, granting supreme legislative power within the state to the House and Senate, who with right to negate each other are granted power to make law through Part Second, Article 5. Additional authority regarding election law is vested in Part First, Article 11.

The Legislature through a bicameral process passed law to create Chapter 289 (Exhibit 655:21 A). The bill was signed into law (by the Governor) on July 18, 2003, pursuant to New Hampshire Constitution Part Second, Article 44.

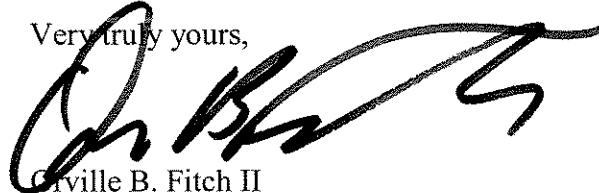
- i) Adoption dates:
 - 1. Chapter 289 (2003) adopted July 18, 2003.
 - 2. Chapter 356 (1998) adopted June 26, 1998.
 - 3. Chapter 218 (1991) adopted June 10, 1991.
 - 4. Chapter 436 (1979) adopted June 25, 1979.
- j) Effective dates:
 - 1. Chapter 289 (2003) effective September 1, 2003.
 - 2. Chapter 356 (1998) effective January 1, 1999.
 - 3. Chapter 218 (1991) effective August 9, 1991.

4. Chapter 436 (1979) effective July 1, 1979.
- k) The changes have been enforced.
 - l) The changes affect the entire State of New Hampshire.
 - m) The purpose for the changes are as follows:
 1. The purpose of the Chapter 289 (2003) change is change the reference for the penalty for falsifying or lying on the nomination for primary form to the voting fraud statute. The reference previously was to perjury.
 2. The purpose of the Chapter 356 (1998) changes are as follows:
 - a. Clarify the oath portion of this nomination form by inserting a shorter, more clear oath onto the form that references specifically the penalty for providing false information on this form.
 - b. Make corrections for gender-neutrality.
 3. The purpose of the Chapter 218 (1991) change is to add to the form a section devoted to incompatible offices to attempt to ensure no person is nominated for incompatible offices or seeks office when prohibited from doing so by federal employment and to insert spaces for the nominator's name and signature.
 - n) These changes do not negatively target any protected class under section 5 of the Voting Rights Act of 1965. 42 U.S.C. § 1973 (c). They are expected to have neutral impact and do not meet the test of retrogression defined in *Reno v. Bossier Parish Sch. Bd*, 520 U.S. 471, 478 (1997). "(T)he ability of minority groups ... to elect their choices to office" will not be diminished. *Beer v. U.S.*, 425 U.S. 130, 141 (1976).
 - o) None known.
 - p) RSA 655:21 was precleared through 1979 on June 22, 2004 by D.O.J. file numbers 2004-2563, 2004-2581 and 2004-2582. A copy of this preclearance is attached as Exhibit 655:21 E. This submission seeks preclearance of all subsequent changes.
 - q) Not applicable as this is not a redistricting plan.

- r) Exhibit 655:21 F is a copy of a Press Release of this submission, its availability, and inviting comment to federal Department of Justice.

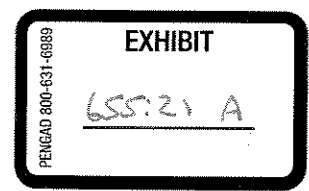
I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Bud Fitch', with a stylized flourish at the end.

Budville B. Fitch II
Senior Assistant Attorney General
Civil Bureau
(603) 271-1238
bud.fitch@doj.nh.gov

106637.doc



CHAPTER 289

HB 627-FN - FINAL VERSION

25mar03... 0694h

25mar03... 0946h

05/22/03 1640s

24jun03... 2155CofC

30jun03... 2316eba

2003 SESSION

03-0294

03/10

HOUSE BILL **627-FN**

AN ACT relative to domicile for voting purposes, penalties for voter fraud, and access to preserved ballots.

SPONSORS: Rep. Drisko, Hills 46; Rep. Lockwood, Merr 35; Rep. Naro, Graf 15; Rep. Whalley, Belk 31; Sen. Roberge, Dist 9

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill:

- I. Establishes civil penalties for wrongful voting.
- II. Modifies procedures for voter registration and absentee voting.
- III. Modifies the laws concerning domicile as it relates to voting and eligibility for office.
- IV. Exempts preserved ballots from RSA 91-A, the right-to-know law.

This bill is a request of committee established by 2002, 15.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

25mar03... 0694h

25mar03... 0946h

05/22/03 1640s

24jun03... 2155CofC

30jun03... 2316eba

03-0294

03/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to domicile for voting purposes, penalties for voter fraud, and access to preserved ballots.

Be it Enacted by the Senate and House of Representatives in General Court convened:

289:1 County Attorneys; Election, Temporary Vacancies. Amend RSA 7:33 to read as follows:

7:33 Election; ~~[Vacancies]~~ **Temporary Vacancies**. There shall be a county attorney for each county, who shall be a member of the New Hampshire bar, elected biennially by the ~~[inhabitants]~~ **voters** of the county. If the county attorney is absent at any term of court or unable to discharge the duties of the office, the superior court, acting as a body, shall appoint a county attorney, who shall be a member of the New Hampshire bar, for the time being and allow said appointee such compensation for his *or her* services as ~~[they think reasonable]~~ **set by the county delegation**.

289:2 Address Confidentiality Program for Victims of Domestic Violence, Stalking, or Sexual Assault; Voting by Program Participants. Amend RSA 7:46, I to read as follows:

I. A program participant who is otherwise qualified to vote may apply as ~~[a]~~ **an** absentee voter. The program participant shall automatically receive absentee ballots for all elections in the jurisdictions for which that individual ~~[resides]~~ **is domiciled** in the same manner as absentee voters pursuant to RSA 657:15. Notwithstanding RSA 654, neither the name nor the address of a program participant shall be included in any list of registered voters available to the public.

289:3 Powers and Duties of Towns; Emergency Borrowing; Method. Amend RSA 31:11 to read as follows:

31:11 Method. The power may be exercised in cities by a 2/3 vote of the city councils. It may be exercised by the selectmen of towns and the governing boards of districts without vote of the ~~[inhabitants]~~ **voters** in town or district meeting. Provided, that no sum in excess of \$100,000 shall be so borrowed without vote of the city, town, or district.

289:4 Town Meetings; Posting Warrant. Amend RSA 39:5 to read as follows:

39:5 Posting Warrant. The selectmen may address their warrant to the ~~[inhabitants]~~ **voters** of the town ~~[qualified to vote in town affairs]~~, in which case they shall post an attested copy of such warrant at the place of meeting, and a like copy at one other public place in the town, at least 14 days before the day of meeting. The 14 days shall not include the day of posting nor the day of the meeting, but shall include any Saturdays, Sundays, and legal holidays within the said period.

289:5 Town Meetings; Warrant to Constable. Amend RSA 39:6 to read as follows:

39:6 Warrant to Constable. Warrants for town meetings may be directed to a constable of the town, requiring ~~[him]~~ **the constable** to notify the ~~[inhabitants]~~ **voters**; and such constable shall post an attested copy of such warrant, as provided in ~~[the preceding section]~~ **RSA 39:5**.

289:6 Cities and Wards; General Elections. Amend RSA 44:7 to read as follows:

655:10-a One Representative District Only. A person whose ~~[residence]~~ **domicile** qualifies him **or her** for more than one representative district shall choose one representative district at any election from which to be a candidate and, for that election, shall be qualified to be a candidate for that one district only.

289:34 Nomination by Primary; Form. Amend RSA 655:21 to read as follows:

655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire

County of _____ ss.

City (Town) of _____

I do hereby join in a petition for the printing on the primary ballot of the name of _____ whose domicile is in the city (town) of _____ (ward, street, and number, if in a city), in the county of _____, for the office of _____ to be voted for on Tuesday, the _____ day of September, ~~[19]~~ _____ (year), and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the _____ party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of _____ (ward, street, and number, if in a city), in the county of _____. I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA 655:10, and that he or she is not a federal employee which makes him or her ineligible to file as a candidate for this office. I further certify that I believe the above-named person is especially qualified to fill said office.

I hereby swear, under ~~[penalty of perjury]~~ **the penalties for voting fraud set forth below**, that the information above is true and correct to the best of my knowledge and belief.

Print Voter's name

Voter's Signature

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

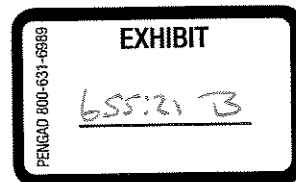
289:35 Qualifications of Candidates. Amend RSA 655:29 to read as follows:

655:29 Qualifications of Candidates. The form of the affidavit provided for in RSA 655:28 shall be the following:

I. (For use by candidate for governor): I, _____, candidate for the office of governor, hereby swear (or affirm) that I have been ~~[an inhabitant of]~~ **domiciled in** the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate, that I am a registered voter, that I will be at least 30 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee.

II. (For use by candidate for councilor): I, _____, candidate for the office of councilor from the _____ district, hereby swear (or affirm) that I have been ~~[an inhabitant of]~~ **domiciled in** the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate, that I am now domiciled in councilor district no. _____ at the present time, that I will be at least 30 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee.

III. (For use by candidate for state senate): I, _____, candidate for the office of senator from the



HB 1520-FN - FINAL VERSION

23april98.....1467h

6/10/98 2065s

18jun98.....2251-CofC

18jun98.....2284-EBA

1998 SESSION

98-2857

03/09

HOUSE BILL ***1520-FN***

AN ACT relative to primary petitions, the preparation of voting materials, and format options for disclosing 1998 campaign information, and prohibiting candidates from multi-seat districts from being nominated by more than one party.

SPONSORS: Rep. Pfaff, Merr 11; Rep. Arnold, Hills 20; Rep. J. Foster, Hills 33; Sen. Patenaude, Dist 7; Sen. Rubens, Dist 5

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill:

- I. Replaces the notarization with an oath on primary petitions;
- II. Requires primary petitions to be filed alphabetically;
- III. Allows certain candidates to file reports in computer-retrievable form for the 1998 election cycle;
- IV. Prohibits candidates for state office in multi-seat districts from receiving the nomination of more than one political party; and
- V. Requires the secretary of state to post campaign disclosure information relating to the 1998 election on the Internet.

 Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23april98.....1467h

6/10/98 2065s

18jun98.....2251-CofC

18jun98.....2284-EBA

98-2857

03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Eight

AN ACT relative to primary petitions, the preparation of voting materials, and format options for disclosing 1998 campaign information, and prohibiting candidates from multi-seat districts from being nominated by more than one party.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Order of Primary Petitions. Amend RSA 655 by inserting after section 22 the following new section:

655:22-a Order of Petitions. Petitions to be filed shall be ordered alphabetically by municipality in which the voter is domiciled. Petitions shall be further ordered by surname of voter for any municipality represented by more than one petition.

2 Primary Petition Form Modified. Amend RSA 655:21 to read as follows:

655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire

County of....., ss.

City (Town) of

I do hereby join in a petition for the printing on the primary ballot of the name of whose domicile is in the city (town) of (ward, street and number, if in a city), in the county of, for the office of to be voted for on Tuesday, the day of September, 19....., and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of (ward, street and number, if in a city), in the county of I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA 655:10, and that he **or she** is not a federal employee which makes him **or her** ineligible to file as a candidate for this office. I

further certify that I believe the above-named person is especially qualified to fill said office.

I hereby swear, under penalty of perjury, that the information above is true and correct to the best of my knowledge and belief.

.....

Print Voter's name

.....

Voter's Signature

[State of New Hampshire

County of, ss:

City (town) of, 19.....

~~The above named,, personally known to me, appeared and made oath that the above petition, by him subscribed, is true.~~

~~Before me,~~

.....

~~Justice of the Peace or Notary Public]~~

3 Preparation of Voting Materials; State General Election; Listing Candidates on Ballot; Candidates Nominated by More Than One Party. Amend RSA 656:5, II to read as follows:

II. All candidates for the same office shall be placed on separate lines within a separate box. The name of each candidate shall be grouped according to the party which nominates the candidate, and the names of the candidates of the party which received the largest number of votes at the last preceding state general election shall be listed first. ***For purposes of determining which party received the largest number of votes, votes received by cross-endorsed candidates shall be attributed to the party in which the candidate is registered. "Cross-endorsed candidate" means a candidate who has received the nomination of more than one party.*** The names of the candidates shall be printed with the given name first, and the candidates shall be listed alphabetically according to their surnames within each party grouping. The name of the party which nominates the candidate shall be printed near the candidate's name, ***except that, notwithstanding any other provision of law to the contrary, no candidate for state office in a multi-seat district may receive the nomination of more than one political party.***

4 Campaign Disclosure Information; 1998 Election Cycle. For the 1998 election cycle, each state candidate may file reports, as required by RSA 664:7, on a computer disk, in addition to a paper copy. Campaign finance filings for United States Senate and representatives to Congress shall be available through a link from the secretary of state's website to the Federal Election Commission.

5 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1999.

LBAO

98-2857

12/15/97

1520-FN - FISCAL NOTE

AN ACT relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission.

FISCAL IMPACT:

The Secretary of State indicates state general fund expenditures will increase by \$11,250 in FY 1999 and by \$5,000 in FY 2000 and each year thereafter. There is no fiscal impact on state, county and local revenue or county and local expenditures.

METHODOLOGY:

The Secretary of State has identified the following expenditures as a result of this bill:

Programming \$10,000

Labor 2,500

Office Supplies 1,000

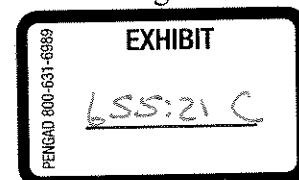
Consulting 1,500

Total \$15,000

The Secretary assumes passage within the last quarter of FY 1999 and programming costs are one time costs.

5/16/91 2693s

5/16/91 2892s

**1991 SESSION 0022L**

91-0007

10

HOUSE BILL - FINAL VERSIONHOUSE BILL NO. 147 (CHAPTER 218, LAWS OF 1991)

INTRODUCED BY: Rep. F. Riley of Hillsborough Dist. 44

REFERRED TO: Constitutional and Statutory Revision

AN ACT relative to the information required on declarations of candidacy, primary petitions, and affidavits for qualifications of candidates.

AMENDED ANALYSIS

This bill amends the forms used for declarations of candidacy, primary petitions, and qualifications of candidates. The bill requires a candidate to declare that he is not a candidate for incompatible offices, and that he is not a federal employee.

The bill also adds certain information which must be included on primary petitions.

EXPLANATION: Matter added appears in **bold italics**.

Matter removed appears in [brackets].

Matter which is repealed and reenacted or all new appears in regular type.

0022L

91-0007

10

HOUSE BILL - FINAL VERSION

HB 147

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand

nine hundred and ninety-one

AN ACT

relative to the information required on declarations of candidacy,

primary petitions, and affidavits for qualifications

of candidates.

Be it Enacted by the Senate and House of Represen-

tatives in General Court convened:

1 Additional Statement; Declaration of Candidacy. Amend RSA 655:17 to read as follows:

655:17 Declaration of Candidacy. Declarations of candidacy shall be in the following form and signed by the candidate:

I,, declare that I am domiciled in Ward, in the city (or town or unincorporated place) of, county of, state of New Hampshire, and am a qualified voter herein; that I am a registered member of the party; that I am a candidate for nomination for the office of (or for delegate to the state convention) to be made at the primary election to be held on theday of; and I hereby request that my name be printed on the official primary ballot of said party as a candidate for such nomination or

election. **I declare that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee which makes me ineligible to file as a candidate for this office.** I further declare that, if nominated as a candidate for said office or if elected as such delegate, I will not withdraw; and that, if elected, I will be qualified for and will assume the duties of said office.

2 Information Required on Certain Primary Petitions. Amend RSA 655:20, II to read as follows:

II. Any person qualified to run for office who does not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b shall, in order to have his name printed on the primary ballot of any party, in addition to the filing fees prescribed in RSA 655:19, file with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. **If a person is required to file primary petitions under the provisions of this paragraph, the primary petitions which he files shall contain the following language in bold print at the top of each petition in addition to the language required in RSA 655:21: "This candidate has reserved his or her rights under the federal constitution and New Hampshire laws and may choose not to agree to limit campaign spending according to amounts set by state law and as a result may be required to submit these petitions."**

3 Additional Information; Primary Petitions. Amend RSA 655:21 to read as follows:

655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire

County of, ss.

City (Town) of

I do hereby join in a petition for the printing on the primary ballot of the name of whose domicile is in the city (town) of (ward, street and number, if in a city), in the county of, for the office of to be voted for on Tuesday, the day of September, 19...., and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of (ward, street and number, if in a city), in the county of **I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA 655:10, and that he is not a federal employee which makes him ineligible to file as a candidate for this office.** I further certify that I believe the above-named person is especially qualified to fill said office.

.....

Print Voter's Name

.....

Voter's Signature

[(Signed)]

State of New Hampshire

County of, ss.

City (town) of, 19

The above-named,, personally known to me, appeared and made oath that the above petition, by him subscribed, is true.

Before me,

.....

Justice of the Peace or Notary Public

4 Additional Information; Affidavit of Qualifications. Amend RSA 655:28 to read as follows:

655:28 Affidavit of Qualifications. A candidate for nomination for the office of governor,

councilor, state senator or state representative shall swear an affidavit covering his qualifications as to age, that the candidate is a registered voter, [and] that his domicile is in the district he desires to represent, **that he is not a candidate for incompatible offices as defined in RSA 655:10, and that he is not a federal employee which he understands would make him ineligible to file his candidacy.** The secretary of state shall not print upon the primary ballot of any party the name of any person unless there is filed with him such an affidavit at the time his candidacy is filed.

5 Additional Statement; Affidavit of Qualifications. Amend RSA 655:29 to read as follows:

655:29 Qualifications of Candidates. The form of the affidavit provided for in RSA 655:28 shall be the following:

I. (For use by candidate for governor): I,, candidate for the office of governor, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 7 years

immediately preceding the election for which I am a candidate [and], that I am a registered voter [and], that I will be at least 30 years of age on the day of said election, **that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee.**

II. (For use by candidate for councilor): I,, candidate for the office of councilor from the district, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate [and], that I am now domiciled in councilor district no. at the present time [and], that I will be at least 30 years of age on the day of said election, **that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee.**

III. (For use by candidate for state senate): I,, candidate for the office of senator from the district, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate [and], that my domicile is in senatorial district no. at the present time [and], that I will be at least 30 years of age on the day of said election, **and that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee.**

IV. (For use by candidate for state representative): I,, candidate for the office of representative from district no. of

..... county, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 2 years immediately preceding the election for which I am a candidate [and], that I am now domiciled in district no. of county, the district I seek to represent, [and], that I will be at least 18 years of age on the day of said election, **that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee.**

6 Effective Date. This act shall take effect 60 days after its passage.

HB 0147.

655:16 Personal Filing. Except for those who must file with a town or city clerk, any person who files for a primary on the last day of the filing period must do so in person before the secretary of state; provided, however, that this requirement shall not apply to the filling of vacancies by party committees.

655:17 Declaration of Candidacy. Declarations of candidacy shall be in the following form and signed by the candidate:

I, _____, declare that I am domiciled in Ward _____, in the city (or town or unincorporated place) of _____, county of _____, state of New Hampshire, and am a qualified voter herein; that I am a registered member of the _____ party; that I am a candidate for nomination for the office of _____ (or for delegate to the state convention) to be made at the primary election to be held on the _____ day of _____; and I hereby request that my name be printed on the official primary ballot of said _____ party as a candidate for such nomination or election. I further declare that, if nominated as a candidate for said office or if elected as such delegate, I will not withdraw; and that, if elected, I will be qualified for and will assume the duties of said office.

655:18 Forwarding Declarations of Candidacy. Each city or town clerk shall forward each declaration of candidacy filed with him to the secretary of state on the day of filing of the same, provided the requisite fee shall have been deposited, or the requisite number of primary petitions shall have been filed therewith. The secretary of state shall retain them together with all declarations of candidacy filed with him until January 1 following the holding of the primary at which time they may be destroyed.

655:19 Filing Fees. Unless he chooses to submit primary petitions as provided in RSA 655:20, at the time of filing declarations of candidacy, each candidate, or some person for him, shall pay to the official with whom the same are filed the following fees: for governor and for United States senator, \$100; for representative in Congress, \$50; for councilor, \$25; for state senator, \$10; for county officer, \$5; for state representative, \$2. Candidates for delegate to the state convention shall not be required to pay a fee. The fees paid to a town or city clerk shall be forwarded to the treasurer of the town or city and shall be the property of the town or city for its use.

655:20 Primary Petitions. If he chooses not to pay the filing fee, the name of any person shall be printed on the primary ballot of any party if he files with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy.

655:21 Form. Primary petitions shall be made in the following form:

County of _____
City (Town) of _____, ss.
State of New Hampshire

I do hereby join in a petition for the printing on the primary ballot of the name of _____, whose domicile is in the city (town) of _____ (ward, street and number, if in a city), in the county of _____, for the office of _____, to be voted for on Tuesday, the _____ day of September, 19____, and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the _____ party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town)

of _____ (ward, street and number, if in a city), in the county of _____, ss. I further certify that I believe the above-named person is especially qualified to fill said office. (Signed) _____

State of New Hampshire

County of _____, ss.

City (Town) of _____, 19____

The above-named, _____, personally known to me, appeared and made oath that the above petition, by him subscribed, is true. Before me,

Justice of the Peace or Notary Public

655:22 Number of Petitions. The number of primary petitions to be filed for each office shall be as follows: for governor and United States senator, 200; for representative in Congress, 100; for councilor, 50; for county officer, 20; for state senator, 15; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions.

655:23 Conflicting Petitions. Each primary petition shall be a separate paper and shall contain the name of one signer and one candidate only. No voter shall sign primary petitions for more than one party, nor shall he sign more than one primary petition for the same office unless more than one nomination is to be made; in which case, he may sign as many primary petitions as there are nominations to be made for the same office. In case a voter has signed 2 or more such conflicting primary petitions, all such petitions shall be rejected.

655:24 Oath on Petition *Prima Facie* Evidence of Party Membership. The oath of a voter upon such petition shall be *prima facie* evidence that he is a member of the party stated therein.

655:25 Assent to Candidacy. No primary petitions as provided in RSA 655:21 shall be accepted by the official with whom they are to be filed unless there is attached thereto an assent to candidacy in the following form subscribed to by the person who seeks to have his name printed upon the primary ballot:

State of New Hampshire

I, _____, of _____, in the county of _____, do hereby assent to the printing of my name on the primary ballot as requested in the attached petition. I further declare that I am a registered member of the _____ party. (Signed) _____

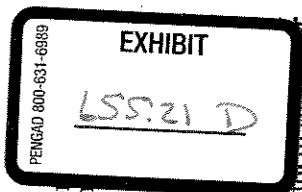
State of New Hampshire

County of _____

The above-named, _____, personally known to me, appeared and made oath that the above declaration by him subscribed, is true. Before me,

Justice of the Peace or

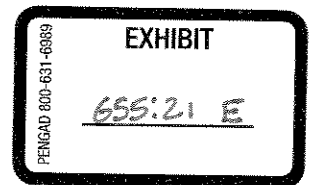
655:26 Examination and Rejection. The officer with whom petitions are filed shall immediately upon receipt thereof examine and ascertain whether they conform to the law. If found not to conform, he shall be conflicting as provided in RSA 655:23, he shall then endorse thereon the





U.S. Department of Justice

Civil Rights Division



JDR:RPL:SMC:jdh
DJ 166-012-3
2004-2563
2004-2581
2004-2582

*Voting Section - NWB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530*

June 22, 2004

Orville B. Fitch II, Esq.
Assistant Attorney General
Civil Bureau
Department of Justice
33 Capitol Street
Concord, New Hampshire 03301-6397

Dear Mr. Fitch:

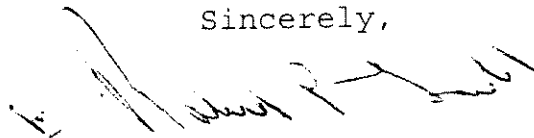
This refers to Session Law Chapter 436 (HB 575) (1979), which recodifies the election laws of the State of New Hampshire; Session Law Chapter 266 (HB 577) (2003), which implements the Help America Vote Act of 2002 (HAVA), 42 U.S.C. 15301-15545; and the adoption of formal administrative procedures for the resolution of election law complaints, including complaints filed under Title III of HAVA, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on June 7, 2004.

The Attorney General does not interpose any objection to the specified changes. Regarding Session Law Chapter 266, we note that the act specifically amends the following provisions of the State's election laws: RSA 655:19, II (Chapter 387 (1991)) (to provide for the deposit of certain candidate filing fees collected by the secretary of state into the election fund); RSA 655:19-c (Chapter 387 (1991)) (to provide for the deposit of any administrative assessments paid to the secretary of state into the election fund); RSA 664:3, I (Chapter 351 (1997)) (to provide for the deposit of political committee registration fees paid to the secretary of state into the election fund); RSA 664:21, II (Chapter 351 (1997)) (to provide for the deposit of any administrative fines for violations of the State's campaign finance laws into the election fund); and RSA 665:7 (Chapter 436 (1979)) (to authorize the Ballot Law Commission to hear and resolve complaints alleging violations of Title III of HAVA, as specified).

We note also that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Session Law Chapter 266 includes provisions that are enabling in nature. Therefore, the State is not relieved of its responsibility to seek Section 5 preclearance of any changes affecting voting proposed to be implemented pursuant to this legislation (e.g., creation of a centralized statewide voter registration database by the secretary of state and guidelines issued by the secretary of state implementing the database). See 28 C.F.R. 51.15.

Sincerely,

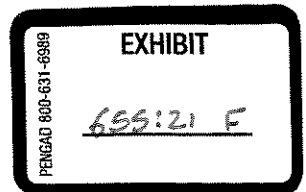
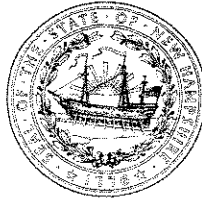
A handwritten signature in dark ink, appearing to read "Joseph D. Rich", is written over a horizontal line.

Joseph D. Rich
Chief, Voting Section

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



MICHAEL A. DELANEY
DEPUTY ATTORNEY GENERAL

News Release

RELEASED BY: Attorney General Kelly A. Ayotte

SUBJECT: Voting Rights Act – Submission of a request for preclearance of changes to New Hampshire Voting laws and procedures

DATE: June 10, 2005

RELEASE TIME: Immediate

Attorney General Kelly A. Ayotte announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. Federal regulations require that the public be notified that the State has filed a request for preclearance and that the submission be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Ayotte and the federal Department of Justice invite persons interested in this submission to submit comments and information, in writing or by telephone, to the Voting Section of the Federal Department of Justice, Civil Rights Division, at the earliest possible date to ensure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7354 – NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530. The envelope and first page should be marked "Comment under section 5." Additional information on the Voting Rights Act and the preclearance process can be obtained at the web site of the Federal Department of Justice at:

<http://www.usdoj.gov/crt/voting/index.htm>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>
New Hampshire Toll Free 1-866-8868-3703
or 1-866-VOTER03
electionlaw@doj.nh.gov